

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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|--|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | CRIMINAL NO. 19-4439 JAP |
| |) | |
| vs. |) | |
| |) | |
| JOSEPH M. PEREZ, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| <u>RESPONSE BY THE UNITED STATES TO THE DEFENDANT'S</u> | | |
| <u>SENTENCING MEMORANDUM</u> | | |

The United States of America has read and reviewed the Defendant's Sentencing Memorandum (Doc. 82) and the Presentence Report (PSR, Doc. 79). The United States respectfully submits that a sentence of 30 months of imprisonment – a low-end United States Sentencing Guidelines (USSG) sentence as referenced in Paragraphs 4–8, 24–33 and 58–59 of the PSR - is a sentence that would effectively satisfy the provisions of 18 U.S.C. § 3553 as a sentence sufficient but not greater than necessary under the facts and circumstances of this matter.

Such a sentence would successfully account for how the PSR correctly determined, under USSG § 3B1.2(b), that the Defendant was a minor participant in the criminal activity to which he pled and for which he will be sentenced.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

/s/ Electronically filed 2/18/2021
PAUL H. SPIERS
Assistant United States Attorney
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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to counsel for the Defendant and to the Probation Officer, Shane E. Lovato.

Filed Electronically 2/18/2021
PAUL H. SPIERS
Assistant United States Attorney